

So they said. I didn't see them there. They told me they had after we came. Warrenfelly said they had surveyed the property. He asked Warrenfelly where he had surveyed it. Warrenfelly refused to tell us where it was surveyed. We never heard where it was surveyed until we saw his deed on record. He went to Claggett and asked him for a deed when we had bought the property. He said he would come down and survey property and make us a deed and set the time, he was coming but failed to come. Then I came to see him again. He promised to come again, but never came and never gave us a deed. I said we were ready to comply with him as quick as he would give us a deed for the property. Warrenfelly said sometime after the second survey the way the property was surveyed, we could not build a saw mill on it now.

3rd Interrogatory - State whether Mr Claggett ever said anything to you about his having an Agent to sell those lands in controversy, and if so, who did he say was his Agent?

Answer - He told me Mr Warrenfelly was his Agent. He said he let Warrenfelly have his considerably less than he let us have ours for. Warrenfelly told me also he was his Agent, not only once, but a dozen times.

4th Int. State whether or not you ever told Mr Claggett or Mr Warrenfelly that you wanted them on the line to begin as far south on the Western line as possible, so that you would get as much of Woodland on the ridge as possible, or any thing on that subject?

Answer - I never said any such thing to Claggett or Warrenfelly.

5th Int. State whether you ever took or had possession of any part of said lands, South of red line from C to E on plat J.O.E., to answer of Defendants? How far did you take possession of said lands? Why did you not take possession of land on the East of red line?

Answer - I look at Ex. J.O.E. to Defendants Answer. I never had or took possession of any part of said lands South of red line from C to E. I took possession North of the dotted line, beginning at D, on the East to where it crosses the red line - Then with the red line to up to C. All that was North of that. I took possession of the part between the red line dotted line on the East. We did not take possession of, because Jones was in possession of Tobacco House, and there was Corn in part of it, part of it in meadow, and part of it in Woods, and Claggett had promised to come and lay it off for us, but did not do it. We did not want to take forcible possession of any part of it.

6th Int. State any other matter within your knowledge material to this case?

Answer I know nothing further.

7th Cross Int. - Has the contract between Claggett on the one part and yourself, Gamaliel and John Easterday in writing? If yes, look at the papers now shown you marked E.B. No 1, Is that the contract under which you purchased the land, and was the receipt of Claggett attached to said papers executed at the same time?

Answer - He entered into an Article of Agreement, the paper Exhibit E.B. No 1. now - was that contract. The contract that I, my brothers John & Gamaliel entered into with Claggett was in writing with the exception of part which I thought was there. That in regard to the Commencement of the lines.

Objection to by Mr Ross as not responsive to his question -

2nd Cross Int. Did you and John and Gamaliel Easterday take possession